

6

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATH SHETTY

WRIT PETITION NO.18088/1998.

BETWEEN:

Kadiamada R.Nanaiah,
S/o K.A.Ramu,
Aged about 34 years,
Residing at Konageri village,
Srimangala Nad, Virajpet Tq.,
Kodagu District. .. PETITIONER

(By Sri.A.K.Subbaiah, Adv.)

AND:

The Tahsildar,
Virajpet Taluk,
Virajpet, Kodagu Dist. .. RESPONDENT

(By Sri.B.E.Kotian, AGA)

- - - -

This Writ Petition is filed under Article 226 of the Constitution praying to direct the respondent to pass orders on the application of the petitioner in the matter of transfer of Khata bearing Sy.No.17/2 of Hudikeri village, which the petitioner purchased under a Deed of sale, dt.8.5.91.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

.....2

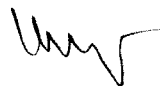
ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice to respondent.

2. Though this petition is posted for preliminary hearing, with the consent of the learned counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

3. In this petition, the grievance of the petitioner is that though the petitioner had made an application for change of katha in respect of Bane lands measuring 7 Acres of in Sy.No.17/2 of Hudikeri village, Virajpet Taluk, Kodagu Distirct, as he acquired title to the said land, by means of a registered sale deed dated 8th May, 1991, till now his application has not yet been disposed of.

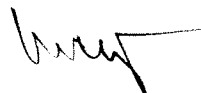
3. Sri Subbaiah, learned counsel for the petitioner submits that though the petitioner has been making repeated requests with the respondent to change the katha in respect of the land referred to above in his



favour, the respondent is refusing to consider the application stating that unless the respondent receives necessary instructions from the Government on that behalf he cannot consider the request of the petitioner. He further submitted that the petitioner having waited for sufficiently long period expecting that the Government would give necessary instructions to the respondent to change the katha in respect of the lands in question in favour of the petitioner; and till now since no instructions have been given by the Government, the petitioner is constrained to approach this Court.

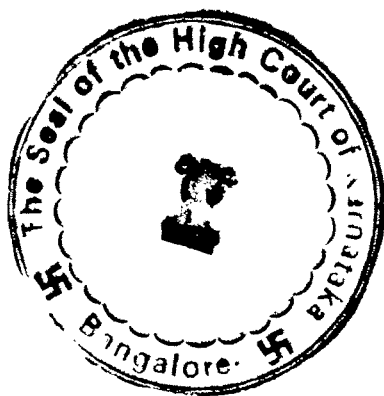
4. Sri B.E.Kotian, learned Government Advocate submits that the petitioner is not entitled for change of katha in respect of the lands in question.

5. Since the petitioner has purchased the lands in question by means of registered sale deed dated 5th May, 1991, the respondent is under a statutory obligation to consider the request of the petitioner for change of katha. It is not open to the respondent to keep an application for change of katha



pending for an indefinite period. Under the Act the power is conferred on the respondent to decide whether the katha in respect of the land should be changed in favour of the applicant or not. Therefore, the only order that can be made at this stage is to direct the respondent to consider the request made by the petitioner for change of katha in respect of the lands referred to above. The respondents are directed to consider the request of the petitioner as expeditiously as possible and at any event of the matter not later than four months from the date of receipt of a copy of this order. Accordingly, this petition is allowed and disposed of.

6. Sri B.E.Kotian, learned Government Advocate is given four weeks' time to file his memo of appearance.



Sd/-
JUDGE